

# How to Ask for Custody of a Child That Is Not Yours

## *When the Parents of the Child Agree*

Do not use this packet if you are parent of child and would like to get custody of your own child.

**Important!** For a Nonparental Custody case to be finalized by agreement, signatures of both parents and any custodian of the child/ren must be obtained on either the petition, on joinder form or on the final orders.

### Talk to a lawyer if you can

These instructions are legal *information*, not legal *advice*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a Legal Resource List detailing low-cost and free legal resources.

## Step 1: Fill out these forms

These forms can be downloaded at: [www.kingcounty.gov/courts/scforms.aspx](http://www.kingcounty.gov/courts/scforms.aspx)

Form Name	Form Number	Notes	Completed
<a href="#">Case Assignment Designation</a>			<input type="checkbox"/>
<a href="#">Confidential Information Form</a>	DRPSCU 09.0200		<input type="checkbox"/>

All these forms can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

Form Name	Form Number	Notes	Completed
<a href="#">Order Directing DCFS/CPS to Release Information</a>	CU 03.0500	This form orders the Dept. of Children and Family Services to give the Court any information they have about everyone living in your home. See Step 3.	<input type="checkbox"/>
<a href="#">Cover Sheet for Authorization to Release Information to the Court</a>	CU 03.0540		<input type="checkbox"/>
<a href="#">Authorization to Release Information to the Court</a>	DSHS 09.966	Each member of the Petitioner's household who is 16 years of age or older needs to sign one Authorization	<input type="checkbox"/>
<a href="#">Cover Sheet DCFS/CPS Investigative Information</a>	CU 03.0520	One for each adult in the Petitioner's household	<input type="checkbox"/>

## Step 2: Fill out these forms and then make copies

All these forms can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

Form Name	Form Number	Notes	Completed
<a href="#">Petition for Nonparental Custody</a>	CU 01.0100		<input type="checkbox"/>
<a href="#">Joinder</a>	DRPSCU 01.0330	Only fill out if the child's parents did not sign the Petition	<input type="checkbox"/>
<a href="#">Declaration</a>	DRPSCU 01.0100		<input type="checkbox"/>

Fill out this form if you are asking for Residential Schedule:

<a href="#">Residential Schedule (Optional)</a>	CU 01.0450	Visitation for parents can also be requested in the Nonparental Custody Petition form	<input type="checkbox"/>
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Fill out these forms if the child is, or might be a member of an Indian tribe:

<a href="#">Indian Child Welfare Act Notice</a>	CU 01.0250	If the parent, Indian custodian, or tribe isn't known, send this <i>Notice</i> to the Department of the Interior, Bureau of Indian Affairs.	<input type="checkbox"/>
<a href="#">Proof of Mailing</a>	CU 01.0255		<input type="checkbox"/>

## How many copies do I need?



- File the **Original** set with the Clerk's office (**forms in Steps 1 & 2**)
- Copy **1** is for your records (**forms in Steps 1 & 2**)
- Copy **2** is to give the mother (**forms in Step 2 only**)
- Copy **3** is to give the father (**forms in Step 2 only**)
- Make a **4th** copy of forms from **Step 2** if the child(ren) have ever received public assistance, or you are uncertain as to whether or not they have ever received public assistance. You must deliver copies of forms to the King County Prosecuting Attorney's Office, Family Support Division.

## Step 3: Take your completed forms and copies to the Clerk's Office.

**Pay the filing fee.** If you cannot afford to pay the fee, ask for a fee waiver (*Motion and Declaration for Waiver of Civil Filing Fee and Surcharges*).

Pay the **Ex Parte** via the **Clerk Processing fee** to have the **Order Directing DCFS/CPS to Release Information and Order Restricting Access** signed by the Commissioner. After the order is signed the Clerk will automatically file the original.

When you file your forms, the Clerk will give you 2 copies of your *Case Schedule*. Each party will need to be served with one copy. Keep one copy for your records and follow the deadlines that are listed in the *Case Schedule*.

## Step 4: File Washington State Patrol criminal history records and cover sheets with the Clerk.

Criminal History Record Cover Sheet	CU 03.0550	Attach criminal history records to this coversheet.	<input type="checkbox"/>
Criminal History Record	Obtain online for \$10 for each request at: <b><a href="http://watch.wsp.wa.gov/">http://watch.wsp.wa.gov/</a></b>  <b>Or</b>  By mail for \$35 for each request by filling out a Request for Conviction Criminal History Record form and send the completed form with a check or money order to: Washington State Patrol Identification and Criminal History Section P.O. Box 42633 Olympia, WA 98504-2633		<input type="checkbox"/>

## Step 5: Go to a Parenting Class.

You **must** go to a parenting seminar called "*What About the Children*". You must complete the class by the deadline listed on your *Case Schedule*.

Go to Family Court Services to find out the cost and how to sign up.

## Step 6: Choose a Court Date to Finalize Your Case

To finish your case you can present your final documents at the mandatory case review hearing (listed on your case schedule)

or

If you would like to finish your case before that date, you can schedule a hearing on the final decree calendar in the Ex-Parte Courtroom. To schedule a hearing date, file a *Note for Motion Docket*, for Kent or Seattle. Your hearing must be at least 14 days after you file the *Note for Motion Docket*.

## Step 7: Look at your Joinder (last page of your petition or separate “joinder” form)

If the respondents checked the box “I demand notice of all further proceedings in this matter” s/he must:

- Sign the completed documents in Step 8, or
- You must give him/her the *Note for Motion Docket* along with completed documents in Step 8, 14 days before the hearing date if you are serving them personally, or 17 days before the hearing date if you are mailing documents to them.

You must take a completed *Declaration of Mailing* form to your hearing to prove that s/he was properly served.

## Step 8: Go to Your Final Hearing

Fill out these forms and bring them to your hearing. You may have to pay a fee for review of your documents at the final hearing.

**All of these forms in Step 8 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)**

<a href="#">Findings of Fact and Conclusions of Law (Nonparental Custody)</a>	CU 02.0100		<input type="checkbox"/>
<a href="#">Nonparental Custody Decree</a>	CU 02.0200		<input type="checkbox"/>
<a href="#">Residential Schedule (Optional)</a>	CU 01.0450	Optional. Visitation for parents can be requested in the Nonparental Custody Decree form	<input type="checkbox"/>

**Also fill out these forms if you are asking for child support:**

<a href="#">Child Support Worksheets (CSW)</a>	WSCSS-Worksheets		<input type="checkbox"/>
<a href="#">Child Support Schedule &amp; Instructions</a>	Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at: <a href="https://fortress.wa.gov/dshs/csips/ssgen/">https://fortress.wa.gov/dshs/csips/ssgen/</a>		
<a href="#">Nonparental Custody Order of Child Support</a>	CU 01.0500	One order for each parent who must pay support	<input type="checkbox"/>

**If you are asking for child support** and if the child has ever received public assistance, you must have a King County Prosecutor with the Family Support Section sign the Order of Child Support before the Case Review or Final Decree Hearing.